

REMARKS / ARGUMENTS

Claims 1 and 10 have been amended. Claims 2 and 5-6 have been canceled. New claim 11 has been added. Therefore, claims 1, 3-4 and 8-11 are pending in this application.

Information Disclosure Statement

The Information Disclosure Statement filed May 31, 2006 was placed in the application file but the information referred to therein has not been considered since it did not include an English translation or a concise explanation of the relevance of the information in the IDS. Being filed concurrently herewith is another Information Disclosure Statement containing English translations of the relevant documents cited in the IDS filed May 31, 2006. With respect to JP 62-503039, the corresponding US Patent 5,042,989 is attached.

Claim Objections

Claim 3 was objected to because the Examiner was unclear as to what is meant by "decocting" in referring to the natural material.

Attached is an explanation of the word decoct taken from a dictionary in which the definition is stated to be as follows:

extract essence: to extract the essence or active ingredient from a substance by boiling it.

Since the word “decocting” has a recognized meaning which is “to extract the essence or active ingredient from a substance by boiling”, it is submitted that claim 3 is proper and does not include any typos.

Claim Rejections Under 35 U.S.C. §112

Claims 1-2 and 5-6 stand rejected under 35 U.S.C. §112 second paragraph for the various reasons set forth on pages 2 and 3 of the Action.

Claim 1 has been amended to recite “a natural material” and to amend the phrase “capable of” to read --for--.

Claims 2, 5 and 6 have all been canceled and therefore the rejection is no longer applicable as to these claims.

Claim Rejections Under 35 U.S.C. §103

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miyamatsu et al. US Patent 5,221,289 and claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kaneko US 2002/0166183.

Since both claims 5 and 6 have now been canceled, this rejection is no longer applicable.

Patentability of the Claims

On page 5 of the Action, the Examiner indicated that claims 1 and 2 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112 second paragraph and claims 3, 4 and 8-10 were only objected to as being dependent upon a rejected base claim but were stated to be allowable if rewritten in

independent form. These claims are all dependent from claim 1 which has now been amended in a manner in which it is submitted renders claim 1 allowable. Claims 3, 4 and 8-10 therefore remain dependent on claim 1 and are believed to be allowable without being rewritten in independent form.

New claim 11 has been added which is similar to claim 1 except it does not include the last dyeing step of claim 1. Claim 11 is submitted to be patentable, however, since it includes the drying step and the pulverizing step which distinguish claim 1, and now claim 11, over the prior art.

Accordingly it is submitted that claims 1, 3, 4 and 8-11 are patentable.

Conclusion

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-5328).

Respectfully submitted,

MATTINGLY & MALUR, P.C.

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GWS/cas

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decoct

de·coct [di kókt] (*past and past participle de·coct·ed, present participle de·coct·ing, 3rd person present singular de·cocts*)

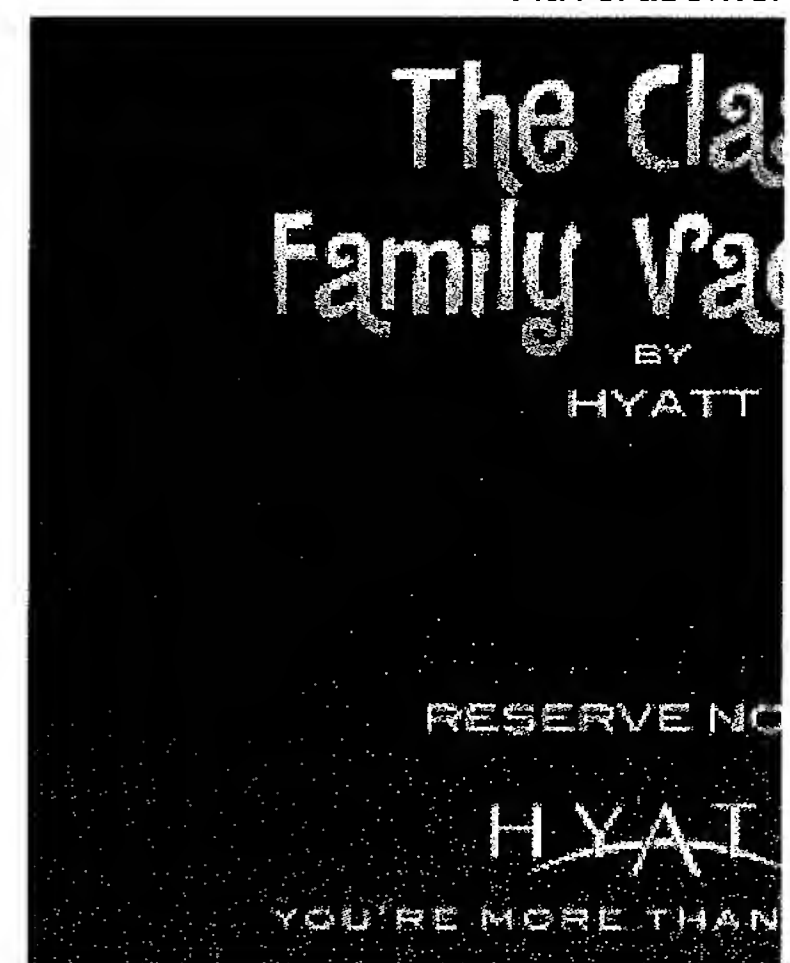
transitive verb

Definition:

extract essence: to extract the essence or active ingredient from a substance by boiling it

[15th century. < Latin *decoct-*, past participle of *decoquere* "boil down" < *coquere* "cook"]

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